

REMARKS

Claims 7 and 18, previously withdrawn by the Examiner from further consideration, are here amended to depend from respective claims under consideration. Claim 19, which depends from Claim 18, likewise should be returned to current consideration. Claims 1-3, 5-19, and 22-26 remain, with the status of those claims being indicated in the foregoing claims section.

Claims 1, 2, 6, 8-10, 12, and 16 stand rejected under 35 U.S.C. 112, first paragraph, and the specification is objected to under the same section of the code, as failing to provide an adequate description of “path-dependent” control signals. In response to that rejection and objection, Claim 1 is amended to remove the objected-to wording. Claim 1 now recites that the signal contains “... information relating to a path covered during an initial course of a substantially vertical movement of the load bearing element out of the rest position”. This feature is discussed in the specification at page 3, lines 5-8 and at page 7, lines 20-22.

Claims 1, 2, 6, 8-10, 12, and 16 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite. In particular, the Examiner considers a path dependent signal, Claim 1, as indefinite. That wording is removed from Claim 1 as discussed above, and the applicant submits that Claim 1 as presently worded complies with the second paragraph of 35 U.S.C. 112.

Turning to Claim 8, that claim is amended to depend from Claim 1 so as to avoid the rejection as indefinite based on the previous dependence from Claim 6.

Claims 1, 2, 6, 9, 10, 12 and 26 stand rejected as anticipated by *Kahlman* (5,850,928). According to the rejection, the force imparted to the handle in that reference

moves the load and establishes a path to have the control signals considered as “path-dependent.” The applicant respectfully traverses that rejection.

Kahlman fails to disclose a system where a signal (S) is generated, which contains information relating to a path covered during an initial course of a substantially vertical movement of a load bearing element out of a rest position, and which serves as an input signal for controlling a drive to balance the load in the vertical path. Instead, *Kahlman* describes “two piezoelectric crystal sensors 812, 813 situated in a handle 803, which serve as **force sensors** ...”. (Column 6, lines 21-22). According to *Kahlman*, “[T]he signal from the upper sensor 812 is so arranged as to be proportional to the **force imparted to the handle** 803 in an upward sense 815 whilst the signal from the lower sensor 813 is similarly proportional to the **force imparted to the handle** 803 in a downward sense 816.” (Column 6, lines 28-32). This disclosure relates to a manual control – “manual force (hand movements)” (Column 6, line 62) – for **moving** the load, not to an automatic control to balance the load. The load according to *Kahlman* must be balanced before it is moved. The sensors 812, 813 relate to the handle 803, not to the load bearing element. Accordingly, *Kahlman* does not anticipate the rejected claims.

Claims 1, 9, 10, and 12 are rejected as anticipated by *Konosu* (6,394,731). The effective date of *Konosu* as a reference is September 17, 1999, its filing date. However, the present application claims Convention priority to February 11, 1999 and the applicant has previously submitted a certified copy of that Convention priority application. A verified translation of that priority document is submitted with this response, to support the claim for priority. Accordingly, *Konosu* is not available as a reference in the present application.

Claims 1, 2, 6, 8, 10, 12, and 26 are rejected as anticipated by *Motoda* (3,945,612). According to the rejection, *Motoda* shows a balanced lifting device using path-

dependent signals from a sensor, as well as force signals to control a motor having a coaxial encoder. The applicant respectfully traverses that rejection.

The applicant respectfully traverses the Examiner's statement that the lifting apparatus according to *Motoda* contains a sensor 34 which uses a path-dependent signal. According to *Motoda* (c.f. column 4, lines 51-53), upon arrival of a **moving load** to the upper **limit position** (i.e., discrete endpoint), a dog 32 depresses a lever 35 of a limit switch 34 to close the switch. Therefore, the load does not move upward even if the control lever 7 is moved further upward (column 4, lines 55-57). Thus, the apparatus according to *Motoda* does not generate a signal relating to a **path** starting from a rest position of a load and covered during an initial course of a substantially vertical movement of a load bearing element, but instead merely generates a signal relating to the arrival of the load at a predetermined point. Accordingly, *Motoda* does not anticipate the structural and functional combination defined by the rejected claims.

The foregoing is submitted as a complete response to the Office action identified above. The applicant respectfully submits that the claims are allowable over the cited art and solicits a notice to that effect.

Respectfully submitted,



Roger T. Frost
Reg. No. 22,176

KILPATRICK STOCKTON LLP
Suite 2800
1100 Peachtree Street
Atlanta, Georgia 30309-4530
Telephone: 404-815-6500
Facsimile: 404-815-6555
Our Docket: 44815/262289